

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of

Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations.
(Tulsa, Oklahoma)

MB Docket No. 04-260
RM-10616

SEP - 9 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF MOTOROLA, INC.

Motorola, Inc. ("Motorola") respectfully submits these comments in the FCC's Public Notice regarding the petition for rule making filed by Global Education Development, Inc., Broadcasting for the Challenged, Inc., Faith That Pleases God Church, Family Educational Broadcasting, Inc., Creative Educational Media Corporation, Oral Roberts University, and Community Television Educators, Inc., jointly referred to as the "Applicants."¹ The Applicants request the substitution of DTV channel *26 for channel *63 at Tulsa, Oklahoma.

Motorola supports the initiative taken by the licensees of television operations in the upper 700 MHz frequencies to facilitate a timely completion of the transition to DTV.² As the Bureau is well aware, facilitating a timely conclusion of the transition will

¹ Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations (Tulsa, Oklahoma), *Notice of Proposed Rulemaking*, FCC DA 04-2145 (July 19, 2004).

² Two other public notices have been released by the Commission requesting relocation out of the upper 700 MHz channels. *See* Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations (Mobile, Alabama), *Notice of Proposed Rulemaking*, FCC DA 04-2261 (July 29, 2004). *See* Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations (Seattle, Washington), *Notice of Proposed Rulemaking*, FCC DA 04-2252 (July 30, 2004)

enable the clearing of the upper and lower 700 MHz frequencies (*i.e.*, TV channels 52-69) and make that spectrum available for urgently needed advanced public safety and commercial communications. Commercial auctions for some portions of this spectrum have already been concluded and the public safety coordination and licensing processes are well under way. However, for the most part, this spectrum remains unavailable – perhaps for the foreseeable future – in the most heavily populated cities where it is needed most.

Were it not for the lack of spectrum availability due to the continued presence of broadcast operations, the 700 MHz public safety frequency bands would be ready to serve as a vital tool in enhancing public safety's abilities to respond to the security threats facing our nation. The equipment is available. Since late 2001, Motorola has been selling dual-band portable and mobile radios for public safety that operate in both the 700 MHz and 800 MHz bands and meet the public safety Project 25 open standard for interoperability.³ These transmitting capabilities will provide an embedded base of equipment that can be quickly used to expand system capacity and improve interoperability with the deployment of 700 MHz infrastructure equipment. In addition, successful wideband technology trials have shown that clearing this spectrum can also help provide public safety a foundation for mission critical systems that support high speed data and video information. A more recent trial currently underway is also testing the use of broadband technologies at 700 MHz.⁴ While Motorola believes that great public benefit will accrue from an expeditious clearing of the upper and lower 700 MHz bands in their entirety, it is clear that additional emphasis should be placed on making the spectrum allocated for use by public safety available as soon as possible.

³ See Letter from Steve B. Sharkey, Motorola, to James Schlichting, FCC/OET, WT Docket No. 02-55, dated June 20, 2003 at 8.

⁴ See Like a flash, D.C. goes Broadband, http://iwce-mrt.com/ar/radio_flash_dc_goes/, September 2, 2004.

In comments filed in response to the Commission's Notice of Proposed Rule Making dealing with the second periodic review of the DTV transition, Motorola argued that the time is ripe for "all industry parties including public safety officials, broadcasters, equipment manufacturers, and others to work with Congress to develop a more precise and definitive end to the DTV transition and to specify a near-term "date-certain" for the recovery of the analog broadcast spectrum" so that "public safety agencies can commence with the design, planning and implementation of 700 MHz systems on a nationwide basis."⁵

Motorola is extremely pleased to read press reports indicating that the FCC's Chief of Staff considers the digital TV transition to be "the primary policy imperative of the agency" and that Chairman Powell is eager to establish a date certain for the transition, which will provide 700 MHz spectrum for public safety.⁶ In comments filed in the Commission's Public Notice seeking options for minimizing the disruption to consumers when the digital television (DTV) transition period ends, Motorola provided information regarding the impact to television viewership in clearing UHF-TV channels impacting public safety (channels 62-65 and 67-69) and the availability of digital over-the-air converters.⁷

Motorola strongly supports the substitution of DTV channel *26 for channel *63 at Tulsa, Oklahoma. The presence of a television allotment on channel *63 precludes public safety community from operating in channels 63 and 64 due to co-channel and adjacent channel interference issues, the size of this preclusion is approximately 2 to 3 times the coverage area of the TV station.⁸ The FCC granting this substitution is in the

⁵ Comments of Motorola, Inc. MB Docket No. 03-15, April 21, 2003, at 4.

⁶ *Communications Daily*, August 11, 2004 at 1.

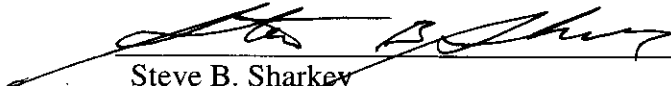
⁷ Comments of Motorola, Inc., MB Docket No. 04-210, August 11, 2004, at 3.

⁸ *Id* in Attachment at 12.

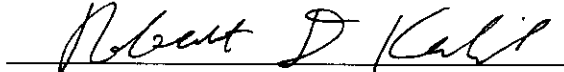
public interest since would avoid any future conflict with public safety clear accessing spectrum to meet their critical.

For the forgoing reasons Motorola urges the Commission to adopt the proposals substituting DTV channel *26 for channel *63 at Tulsa Oklahoma.

Respectfully Submitted,



Steve B. Sharkey
Director, Spectrum and Standards Strategy



Robert D. Kubik, Ph.D.
Manager, Spectrum and Regulatory Policy

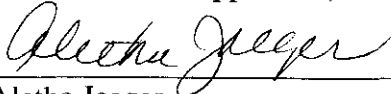
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September 9, 2004

CERTIFICATE OF SERVICE

I, Aletha Jaeger, an Manager of Administrative Services at Motorola, Inc, do hereby certify that on this 9th day of September, 2004, the foregoing "COMMENTS OF MOTOROLA, INC." was served via Federal Express to the following:

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Aletha Jaeger